

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Patrick Blanz v Delta Oil Company Inc**  
Docket No. **274780**  
L.C. No. **05-011045-CH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and MCR 7.216(A)(10), orders:

The claim of appeal is **DISMISSED** for lack of jurisdiction because the November 14, 2006 order is not a final order for the reason that claims against defendant are still outstanding in that the order does not determine the amount of past and present damages owed to the plaintiffs as alleged in paragraphs 9 and 12 in the "Complaint for Declaratory Relief and Damages" dated January 28, 2005. See MCR 2.604(A) and MCR 7.202(6)(a)(i). A dismissal of damages without prejudice does not constitute an adjudication of those past and present damages. See *Detroit v Michigan*, 262 Mich App 542, 545-546 (2004).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 11 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk